

Practitioner's Docket No. 60680-1187

Express Mail Label No. ET411796351US

**PATENT**

#3

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## COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)

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As a below named inventor, I hereby declare that:

### TYPE OF DECLARATION

This declaration is for an original application.

### INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

### TITLE OF INVENTION

METHOD OF FORMING A STEEL INSERT FOR MOLDED RUBBER PART

### SPECIFICATION IDENTIFICATION

The specification was filed on August 28, 2001, as serial number 09/942,250.

### ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable.



## POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Frank B. McDonald

Registration Number 28,738

Michael B. Stewart

Registration Number 36,018

Matthew J. Russo

Registration Number 41,282

Robert M. Leonardi

Registration Number 27,815

Phillip A. Rotman II

Registration Number 38,290

I hereby appoint the practitioner(s) associated with Customer Number 28073 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

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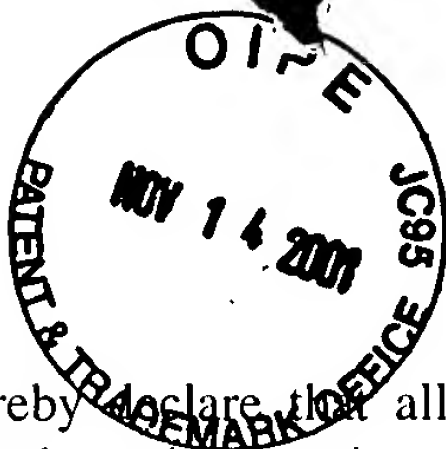
### SEND CORRESPONDENCE TO

Frank B. McDonald  
Rader, Fishman & Grauer PLLC  
383 Inverness Drive South  
Suite 140  
Englewood, CO 80112

### DIRECT TELEPHONE CALLS TO:

Frank B. McDonald  
(303) 991-1230

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## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

Joseph Antonini

Inventor's signature

Date 10-26-01

Country of Citizenship USA

Residence Chicago, IL

Post Office Address 1262 West Westgate Terrace  
Chicago, IL 60607

Daniel Battistoni

Inventor's signature

Date 10/26/01

Country of Citizenship USA

Residence W. Chicago, IL

Post Office Address 1005 Knollwood Lane  
W. Chicago, IL 60185

CO002919



☒ A copy of the Notice to File Missing Parts of Application--Filing Date Granted (Form PTO-1533) is enclosed.

*NOTE: The PTO requires that a copy of Form PTO-1533 be returned with the response to the notice to file missing parts to the application.*

### DECLARATION OR OATH

II. ☒ No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

*NOTE: If the correct inventor or inventors are not named on filing a nonprovisional application under Section 1.53(b) without an executed oath or declaration under Section 1.63, the later submission of an executed oath or declaration under Section 1.63 during the pendency of the application will act to correct the earlier identification of inventorship. 37 C.F.R. Section 1.48(f)(1).*

OR

☐ The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

*NOTE: For surcharge fee for filing declaration after filing date complete item VI(3) below.*

*NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 C.F.R. Section 1.63:*

*(A) application number (consisting of the series code and the serial number, e.g., 08/123,456);*

*(B) serial number and filing date;*

*(C) attorney docket number which was on the specification as filed;*

*(D) title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or*

*(E) title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number, e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration.*

*M.P.E.P. Section 601.01(a), 7th ed.*

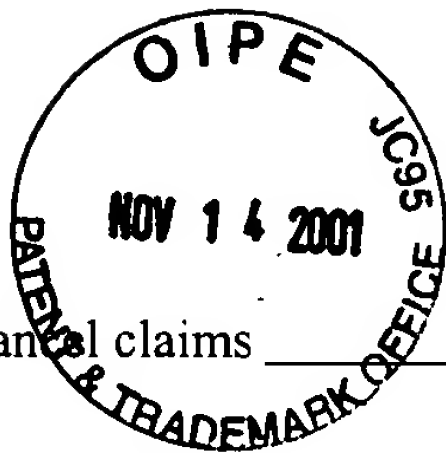
*NOTE: Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 C.F.R. Section 1.10(c).*

*(complete (c) or (d), if applicable)*

Attached is a

(c) ☐ Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.

(d) ☐ Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.



## AMENDMENT CANCELLING CLAIMS

III. ☐ Cancel claims \_\_\_\_\_ inclusive.

## TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

IV. ☐ Submitted herewith is an English translation of the non-English language application papers as originally filed. Also submitted herewith is a statement by the translator of the accuracy of the translation. It is requested that this translation be used as the copy for examination purposes in the PTO.

*NOTE: For fee processing a non-English application, complete item VI(5) below.*

*NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 C.F.R. Section 1.69(b).*

*NOTE: The translation for a regular application filed in a foreign language must be verified. 37 C.F.R. Section 1.52(d).*

## SMALL ENTITY STATUS

V. ☐ A statement that this filing is by a small entity

*(check and complete applicable items)*

☐ is attached.

☐ A separate refund request accompanies this paper.

☐ was filed on \_\_\_\_\_ (original).

## COMPLETION FEES

### VI.

**WARNING:** Failure to submit the surcharge fees where required will cause the application to become abandoned. 37 C.F.R. Section 1.53.

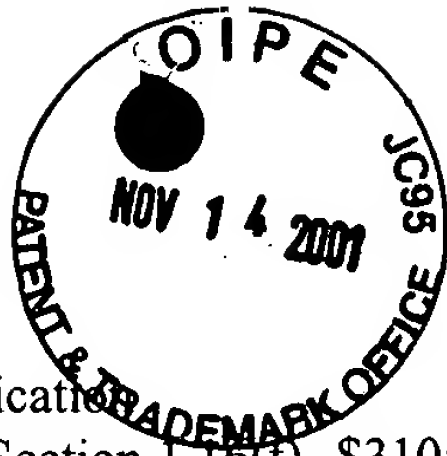
*NOTE: For effect on fees of failure to establish status, or change status, as a small entity, see 37 C.F.R. Section 1.28(a).*

#### 1. Filing fee

☒ original patent application

(37 C.F.R. Section 1.16(a)--\$760.00: small entity--\$380)

\$ 760.00



☐ design application  
(37 C.F.R. Section 1.16(f)--\$310; small entity--\$155)\$ \_\_\_\_\_

2. Fees for claims

☐ each independent claim in excess of 3  
(37 C.F.R. Section 1.16(b)--\$78; small entity--\$39)\$ \_\_\_\_\_

☐ each claim in excess of 20  
(37 C.F.R. Section 1.16(c)--\$18; small entity--\$9)\$ \_\_\_\_\_

☐ multiple dependent claim(s)  
(37 C.F.R. Section 1.16(d)--\$260; small entity--\$130)\$ \_\_\_\_\_

3. Surcharge fees

☐ late payment of filing fee and/or late filing of original declaration or oath  
(37 C.F.R. Section 1.16(e)--\$130; small entity--\$65)\$ 130.00

*NOTE: Even where a facsimile declaration or oath signed by the inventor(s) was part of the originally filed papers, the surcharge fee is required.*

*NOTE: If both the filing fee and declaration or oath were missing from the original papers, the Office practice under 37 C.F.R. Section 1.16(e) is that only one surcharge fee need be paid whether the later filed oath or declaration and/or the filing fee are submitted afterwards at the same time or at different times.*

4. ☐ Petition and fee for filing by other than  
all the inventors or a person not the inventor  
(37 C.F.R. Sections 1.17(i) and 1.47--\$130)\$ \_\_\_\_\_

5. ☐ Fee for processing an application filed with  
a specification in a non-English language  
(37 C.F.R. Sections 1.17(k) and 1.52(d)--\$130) \$ \_\_\_\_\_

6. ☐ Fee for processing and retention of application  
(37 C.F.R. Sections 1.21(l) and 1.53(d)--\$130) \$ \_\_\_\_\_

*NOTE: 37 C.F.R. Section 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 C.F.R. Section 1.53(f) and this, as well as, the changes to 37 C.F.R. Section 1.53 and 1.78 indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee or the processing and retention fee of Section 1.21(l) within 1 year of notification under Section 1.53(f) must be paid.*

7. ☐ Assignment (See "ASSIGNMENT COVER SHEET") \$ \_\_\_\_\_

Total completion fees \$ 890.00



## EXTENSION OF TIME

VII.

*(complete (a) or (b), as applicable)*

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. Section 1.136(a) apply.

- (a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. Section 1.17(a)(1)-(4), for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input type="checkbox"/> one month	\$110	\$55
<input type="checkbox"/> two months	\$380	\$190
<input type="checkbox"/> three months	\$870	\$435
<input type="checkbox"/> four months	\$1,360	\$925

Fee \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

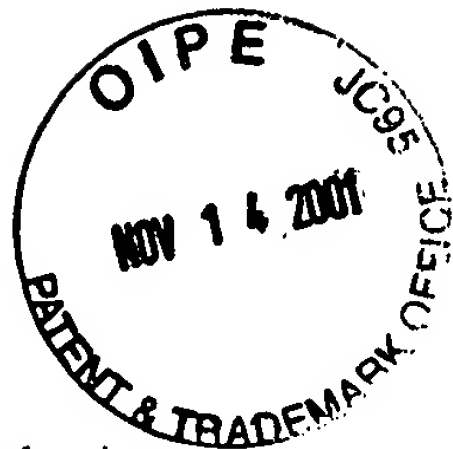
*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.



## TOTAL FEE DUE

### VIII.

The total fee due is

Completion fee(s) \$ 890.00  
Extension fee (if any) \$ \_\_\_\_\_

Total Fee Due \$ 890.00

## PAYMENT OF FEES

### IX.

☒ Enclosed is a check in the amount of \$ 890.00.

☒ Charge Account No. 18-0013 in the amount of \$ 890.00.

A duplicate of this request is attached.

*NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 C.F.R. Section 1.22(b).*

Please charge Account No. 18-0013 for any fees which may be due by this paper.

## AUTHORIZATION TO CHARGE ADDITIONAL FEES

### X.

**WARNING:** *Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.*

*NOTE: "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. Section 1.26(a).*

☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the pendency of this application to Account No. 18-0013.

☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)

*NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. Section 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.*

☒ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)





- [X] 37 C.F.R. Section 1.17(a)(1)-(5)(extension fees pursuant to Section 1.136(a).  
[X] 37 C.F.R. Section 1.17 (application processing fees)

*NOTE: "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under Section 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in Section 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. Section 1.136(a)(3).*

- [ ] 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

*NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 C.F.R. Section 1.311(b).*

*NOTE: 37 C.F.R. Section 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee . . ." From the wording of 37 C.F.R. Section 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.*

SIGNATURE OF PRACTITIONER

Reg. No.:28,738

Frank B. McDonald

(type or print name of practitioner)

Tel. No.: (303) 991-1230

Rader, Fishman & Grauer PLLC

383 Inverness Drive South, Suite 140

P.O. Address

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